

May Be Banned on Parts of Lake Powell

ings this winter to help determine whether to prohibit noisy, polluting vehicles in some areas

at other park units to the discretion of the superintendents.

At the Glen Canyon National Recreation Area, home to Lake Powell reservoir, PWC use has exploded in recent years, prompting officials there to look at restricting them.

Glen Canyon Superintendent Joe Alston said his office receives 10 or more letters a week from visitors who complain that PWCs negatively affected their holiday on the reservoir.

"A lot of people say they want to

have places on the lake where they can get away from PWCs," said Alston.

The flip side, however, are letters from people who say they cannot afford to buy a powerboat to recreate on the reservoir but they can afford a PWC.

The case against PWCs is that they are noisy and emit noxious fumes. Environmentalists also complain the vehicles contaminate the water with oil and gasoline.

Beginning sometime this winter, Glen Canyon officials will begin a series of meetings to gather public input on what the recreation area should do to resolve the conflicts between PWC users and others who recreate in and about the scenic reservoir's numerous arms, bays and channels.

Among the options:

■ No change, meaning continued, unrestricted use on the reservoir, pro-

See PWC, Page B-3

Judge Allows LDS Church To Mine Granite in Canyon

BY LINDA FANTIN

THE SALT LAKE TRIBUNE

Point by point, 3rd District Judge Stephen Henriod torpedoed Karen and Bruce Cunningham's case, allowing the LDS Church to continue removing granite from the hillside above their home.

After six weeks of deliberation, Henriod concluded the Cunninghams failed to prove they had suffered "a distinct, palpable injury," that The Church of Jesus Christ of Latter-day Saints subverted zoning laws or that Salt Lake County officials erred in permitting the project.

Now the Little Cottonwood Canyon couple are wondering if they helped cripple the environmental protections they sought to preserve.

"The only reason I took this on was to save the canyon from a mining operation," Karen Cunningham said after Friday's ruling. "People in Utah tend to forget their natural resources and abuse them. But my attorney told me, 'Karen, your plan may backfire. You may break that canyon overlay zone. Do you want that on your shoulders?'"

She was referring to the Foothills and Canyon Overlay Zone (FCOZ), an ordinance designed to protect sensitive lands from development. The couple demonstrated in court that the access roads the church needed to reach the rock grossly exceeded slope standards under the new zoning rules, which were adopted Jan. 1.

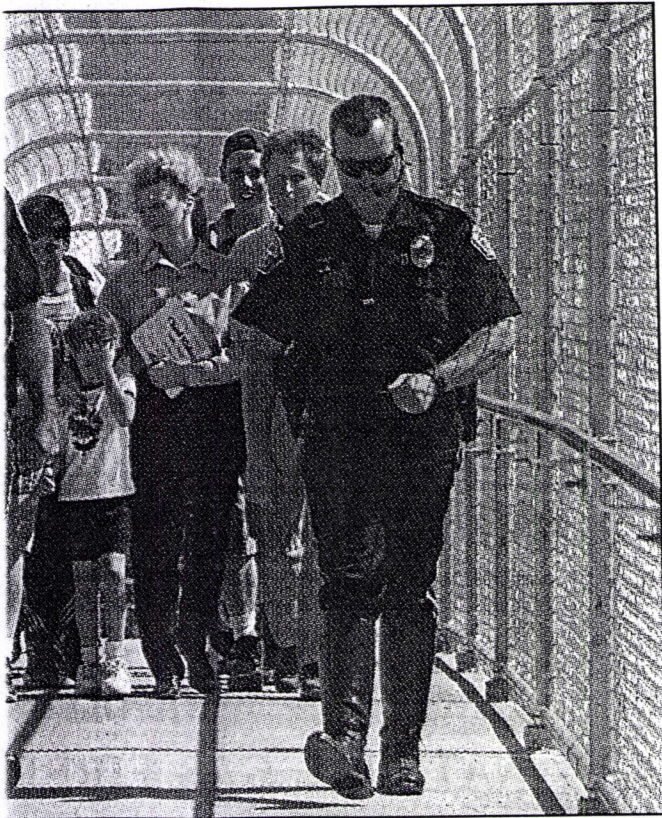
But Henriod let stand the county Planning Commission's decision to waive those requirements, despite there being no written record of any waiver until after the lawsuit was filed.

"Of course, we're delighted

See QUARRY, Page B-2

CORRECTIONS & CLARIFICATIONS

Salt Lake City's StageRight TheatreCompany will host its "First Ever Garage Sale" today from 8 a.m. to 4 p.m. at the Realms of Inquiry School, 1140 S. 900 East. A sampling of the community theater's upcoming season will follow at 7:30 p.m. An incorrect date was listed in Friday's Calendar section.



Steve Griffin/The Salt Lake Tribune

Bridge to Greater Safety

en, Leslie Sanders on Friday gets a West Valley City newly opened pedestrian bridge spanning Bangerter. Sanders is the mother of Chad Riding, the West Valley hit-and-run accident at the site in January 1997. and UDOT officials to build the \$850,000 walkway.

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... was initially charged with first-degree felony automobile homicide to the lesser crime of third-degree homicide and two counts of class A misdemeanor to remain at the scene of an injury to B driving without insurance. In count of failure to remain at the scene of driving on a suspended license July 19, Kodel killed Kayla Agar, 17, who was walking with two friends and was injured — at about 1394 W. Crystal. Kodel faces up to 5 years in prison and a \$10,000 fine. Sentenced Oct. 30 by 3rd District Judge

The misadventure of the men took off from the Salt Lake City International Airport at 5:50 a.m., and its wings began to ice up as it climbed, according to an investigation by the National Transportation Safety Board (NTSB). The pilot, Richard

to comment.

The B found poor maintenance of the plane, the pilot's decision to fly at a slower speed, an inaccurate weather forecast contributed to the crash.

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Quarry The Winner in Court's Decision

■ Continued from B-1

with the response of the court," said Tom Hanson, project manager for the assembly-building project. "We followed the process. We have satisfied in every way the public's demands."

The decision came as no surprise to the Cunninghams or their lawyer, Cullen Battle. As the days wore on, Battle said, the Cunninghams' chances of prevailing weakened, even if their resolve did not.

Henroid's ruling came six weeks after the case was argued in court, and with no restraining order, the roads now are carved and the operation well under way.

The church received permission from county planning commissioners March 24 to extract 11,400 tons of granite from its canyon quarry. Work started May 28 and is expected to continue through December 1999. Contractors are rupturing the loose rocks — not blasting granite from the hillside — and trucking the boulders to Idaho. There, they are being processed into slabs for the LDS assembly building, a 21,000-seat hall expected to open in April 2000.

It was important to church leaders — including President Gordon B. Hinckley — that the exterior match the Mormon temple across the street in downtown Salt Lake City. That meant going back to Little Cottonwood Canyon, where 19th-century pioneers mined stone for the temple.

Hundreds of people opposed the modern-day project, including many climbers who said the canyon is as sacred to them as the temple is to LDS faithful. But only the Cunninghams took the fight to court.

The couple moved to the canyon a year ago to find tranquility — the two own a road-construction business — only to have their neighbor begin blasting boulders and carting them down the mountain. In court, Karen Cunningham said the detonations rattle their windows and disturb the canyon's peaceful setting. But she did not complain to the county, a point Henroid noted in his ruling.

"The petitioners had an administrative remedy for all of their complaints," he said, except for the charge relating to road standards.

That issue, Henroid said, was settled

when the county granted a waiver to allow such roads. But planning commissioners did not mention any waivers when approving the project. In fact, they specifically stated that the church must comply with all aspects of the overlay zone.

It was only after the Cunninghams sued that the county claimed to have issued an exemption, which later was affirmed in writing by the Planning Commission.

Henroid also rejected Battle's assertion that the county did not have the authority to waive slope requirements. At the very least, Battle had argued, the county should have investigated to what extent the standards would be breached.

But Henroid said the reports submitted by the church were exhaustive.

"The county decisions were not made upon any form of an incomplete record or absent adequate studies," he said, nor were they arbitrary, capricious or illegal — the standard the Cunninghams had to meet.

The judge pointed to three sections of the zoning code that give the county the power to waive or modify slope standards. One of those involves "lots of record."

Henroid acknowledged that the county's own definition of lot "clearly contemplates" that it will be used for residential purposes. But he went on to conclude that, because the church property historically has been used for mineral extraction, it can be considered a lot of record for this limited purpose.

This is significant in that the county has much more flexibility in exempting lots of record from FCOZ, as long as those parcels were on the books before Jan. 1.

Kent Lewis, an attorney representing the county in the lawsuit, said some flexibility is necessary because there are property rights to consider. "It is a good tool for protecting the environment," he said, "but it was not intended to stop all development."

But some fear property owners now can bypass FCOZ by claiming they have a lot of record.

"We might as well go back to the 19th century," said Stephen Downes, a Salt Lake City resident.

Climber David Carrier said the foothills ordinances had been "eviscerated."

"This was the first legal test, and it demonstrated that those ordinances are not binding," he added.

Karen Cunningham said she does not regret filing the lawsuit, however she fears Henroid's ruling gives the county justification to ignore its own rules.

Not true, Lewis said. Each request for a waiver is dealt with individually, he said.

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Michael F ney for But children m doper paren

IN FRIEND'S DEATH

Robert Triay, 22, has been charged with first-degree homicide, a second-degree felony, foliois friend, David Beck, last week. Beck, 22, had been sitting on the driveway of Beck's residence and turned quickly, causing Triay to allege that Triay then pulled out and dragged him under the car. Triay's attention and stopped him. A set for Oct. 19.

TS PROBATION

Gotay was sentenced to probation for carrying a handgun at several Morning a landlord-tenant dispute at y office building. Gotay, 47, had count each of a class A misdegraded assault and class B misdird District Judge William Barotay to complete 100 hours of uring a 24-month probation peri-Mormon missionaries were help-egory Singer remove his belong-0 East. Gotay claims he caught is that were supposed to remain eaming match ensued, and Gotay un, the missionaries said. Gotay left and waved his gun at the them to leave and threatened to claim. Gotay refused to speak to he gun, which he claimed had no

RGED

pol drama teacher has been fired ally abusing two students. David ed with first-degree felony rape ony forcible sexual abuse involv-ges 16 and 17. Weeks has a pre-uled for Monday in 2nd District exual abuse charge is tied to a ling incidents last fall involving eber County sheriff's Detective se incidents allegedly occurred between September and December rape of the 16-year-old girl oc-The following month, Weeks was tions, a Weber School District eeks' defense attorney, Edward his client to plead guilty to the plea bargain, reducing the first-ond-degree felony.

ATTENTION
LADIES!

NO CHIMNEY NEEDED
FREE ESTIMATES

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